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ART. X.—*Report from the Select Committee of the House of Commons,  
on the Civil Government of Canada. 1828.*

**I**N a former article on Canada, published previously to the Report which stands at the head of this, we gave a sketch of the government of the colony, and exhibited some of the outlines of its misrule. A parliamentary investigation, wrung by the complaints both "loud and deep" of the Canadians, while it has given the most complete confirmation to the view we then took of the subject, has since established the reality.

of the grievances complained of, even to the very letter. Parliament, however, exhausted with one legislative effort, has suffered the session to slip by without so much as even taking the matter into consideration; and so fruitless has hitherto been the result of their labours, that we conceive the members of the committee must have some doubt whether there be in reality any one "who hath believed their report." Lord Dalhousie has indeed been recalled from the governorship, and a better successor been found for him in the person of sir James Kempt. But they must be profoundly ignorant of Canadian politics who can discover in the mere substitution of a governor, a cure for evils which are interwoven with the very foundation of the constitution; and the result has only displayed the utter inefficiency of that system of legislation, which, instead of setting energetically to work to eradicate a disease, contents itself with administering some temporary opiate.

But the subject is of too much importance to elude attention, and the publication of this report affords another opportunity of adverting to it. The evidence taken on the committee has brought much additional information to light, particularly with reference to the Upper Province, to which our attention was not on the former occasion so pointedly directed.

In the development previously attempted, of the constitutions of the two provinces, it will be remembered that, notwithstanding the parade of three distinct sections of government, we showed that the whole power in each province virtually rested with the executive; the executive being the portion exclusively furnished by Great Britain. The security, or rather the absence of security, for the proper exercise of this power involved in responsibility to England, we have already exposed; and on this point therefore we must take the liberty of referring our readers to our former article, if indeed there be any one so little read in colonial history as to put much reliance on accountability to a tribunal four thousand miles distant from the scene of delinquency! Of the security afforded in the power of limiting the supplies, we have also given details amply sufficient to display its utter worthlessness, but we have yet a few words to add on the restraining control of public opinion.

In Upper Canada there exists an act called the Sedition Act, under the provisions of which any commissioner of the King's-bench is enabled, on information that any individual has not taken the oath of allegiance, and is a dangerous man, to order him out of the country, or confine him on his disobedience; and that without the power of appeal. It hardly need be remarked



that a dangerous man is one to whom the government has taken a dislike; and though it can be only when that dislike has reached an extreme point, that the powers of this act are likely to be resorted to, it must not be forgotten that that point is not elevated beyond reach. Of this, the case of Mr. Gourlay is a proof, and, for aught we know, other proofs equally strong may yet remain in store. For a long period past, the House of Assembly has ineffectually struggled to obtain the repeal of this disgusting act; and a bill to that purport has, in every session, invariably preceded all other business. With complete unanimity has it ever passed; yet, with unanimity (we believe) as complete, has the Legislative Council invariably rejected it. On its open defence they did not venture; but they sheltered its retention under the vile sophistry that it worked no practical evil. Whether the imprisonment of Mr. Gourlay were a practical evil, most of our readers will already have decided for themselves; but as to the propriety of keeping a Statute Book, disfigured with arbitrary enactments, under the shallow pretext of their being mere theoretical grievances, we would beg to answer in the eloquent language of Dr. Priestley—"On the other hand, a sense of political and civil liberty, though there should be no great occasion to exert it in the course of a man's life, gives him a constant feeling of his own power and importance; and is the foundation of his indulging a free, bold, and manly turn of thinking, unrestrained by the most distant idea of control. Being free from all fear, he has the most perfect enjoyment of himself, and of all the blessings of life; and his sentiments and enjoyments being raised, his very being is exalted, and the man makes nearer approaches to superior natures."\*

In Lower Canada libel law and martial law have been the disgusting agencies resorted to for stifling the public voice.

At a meeting of land-holders and other proprietors comprising the committees of certain general meetings assembled in the city of Montreal the 17th April last, the results of which may be taken to express the opinion of almost the whole of the population of the district of Montreal and Three Rivers, was passed the following Resolution.

"Resolution 2.—That his Excellency and his administration have avowed, by public acts, their intention of destroying the liberty of the press, and to prevent public discussion of the acts of his administration, unless it should be favourable; and to inflict punishments for the exercise of the inherent right of British subjects to assemble and declare their opinion on acts of administration."—p. 314.

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\* Essay on First Principles of Government, p. 13.



Now there are twelve newspapers in Lower Canada, and of these there are but five accustomed to speak with any degree of freedom of the administration. In conformity with these threats of the government, the whole of these five were, when the witness left Canada, in a course of prosecution; and the juries to be empanelled for their trial were to be special juries, of which the list would be made out by the sheriff; an officer so completely under the control of the executive, that the Resolutions literally complain of the “scandalous indications of the three last terms, of an intention of using this power, by composing juries of *violent and devoted partizans, predetermined to condemn* every person and every act disagreeable to the executive; and of a character to express in their decisions merely the opinions and passions of a small fraction of the community” [p. 317]. The witness who delivered to the committee the copy of these Resolutions was asked—

“Has the language of the government papers been very temperate during the whole of this time?” He replies, “No, by no means, it has been very violent sometimes.” And he goes on to add, that the bills of indictment on account of these local politics were “thrown out at the regular term, and a court ofoyer and terminer was held, at which new bills were presented for the same offence and found.”—p. 321.

Measures like these might have alarmed the people for a time, and quelled their spirit, but “there is a tide in the affairs of men,” a turning point in the history of every despotism. The nation at length aroused itself, and in spite of the threats of the government, meetings were held throughout the province, for the purpose of petitioning the British legislature. In a country where every male individual from eighteen to sixty is a militia-man, it is scarcely possible, but that in these meetings some of the officers of militia should have taken a part; indeed, had the case been otherwise, no honest man can deny that they would have failed most egregiously in their duty as citizens. But in the eyes of the Canadian executive, if the militia-men were to be encumbered with the duties of citizenship at all, those duties were—passive obedience and non-resistance; as militia-men, beyond the “make ready! present! fire!” their duty, as set forth in one of the orders of their dismissal was, to set an example [in civil matters be it remembered] “of subordination and respect for authority to those [in a military capacity let it be recollected] under whose command they were placed.” To take a part in meetings called to redress the despotism of government was accordingly a forgetting of those duties, it was, as the same order goes on to remark, to “have shown themselves the active agents of a



party hostile to his majesty's government ;" to evince "conduct tending to create discontent in the country, and to bring the executive government into contempt among the people." But to create discontent in the country, and bring the executive into contempt, were misdemeanors which could not be "permitted to pass without notice" in any but their real perpetrators ; and, therefore, the executive, instead of dismissing themselves from the government of the colony, which it is obvious would have been the best preservative against bringing the government into contempt, by various general orders of militia under the hand of the adjutant-general, without trial, without even accusation, and with no previous communication to the individuals, within the short space of eighteen months preceding the appointment of the committee, dismissed about two hundred of these militia officers from the service, or else adopted the more anglicized process of putting them on the shelf ; so that, says Mr. Neilson, "there has been a general doing and undoing of the whole militia" [p. 119].

Mr. Wilmot Horton, indeed, (principally on the official despatches of the governor) represented to the committee, that the dismissals were mainly connected with breach of military duty in not attending certain musters ordered by the governor, which the attorney-general of the colony had pronounced him authorized to convene ; but which we take leave to mention (with the necessary exception of the executive) was by the whole province beside, believed to be an arbitrary usurpation ; and the honourable gentleman states, that for these very dismissals, the governor "received the sanction of the secretary of state" [p. 312]. We have simply to remark on this, that in the principal order which Mr. W. Horton quotes in support of this representation, that of the 12th September, 1827, one of the accusations is, that to the doubts spread on the subject of the "evil disposed," "were added gross misrepresentations and calumnies regarding the intentions of the executive government, all tending to create discontent and dissatisfaction in the province," and in expressing the governor's intention of depriving of commissions all such persons as had neglected to attend at the musters, it goes on in the plainest possible terms to extend it to the alternative class, "or who by their conduct or language at public meetings have failed in that respect which is due to the representative of their sovereign." The catalogue of misdemeanors which we have just above given as the grounds on which the dismissals took place, are taken verbatim from a general order under the hand of the adjutant-general, dated at Quebec, February 21st, 1828, delivered in by one of the



witnesses, and they are the *sole* reasons there recorded for the dismissals which that order contains ; and, in addition to this, we have the sanction of the resolutions of the general committees of the whole province, to which we have previously referred, and the representations of a petition signed by upwards of fifty-one thousand individuals (and surely if ever there were a cloud of witnesses, this is one) for referring the dismissals, not to a breach of military discipline, but to a departure from political servility. The remonstrance of a whole nation is at least enough to outweigh the sanction of one secretary of state ; and we only see in the vindication, what exceedingly easy things to attain are state secretary's sanctions. The bare existence of acts like these, while it betrays the secret dread felt by the members of the government of allowing public opinion once to get head, shows how immensely independent they are of that opinion at present ; for what government with a particle of benefit to itself, dependent on opinion, could ever venture on acts so exactly calculated to call down the execration of an entire community.

But while referring to a dependence on public opinion, it must not be forgotten that to the very constitution of a public opinion, a close and systematic intercourse is needed among the public by whom it is to be exercised. Even in the dense concentration under which it exists in the metropolises of great and enlightened empires, the corrupt influences of sinister interest are, for a time, often capable of setting it at defiance. How effete then must be its operations in a country—in the main thinly inhabited only, at dreary intervals—with bad communication throughout the whole—and in many parts with no roads at all. Nor is this all : opinion can only be based on information ; yet, on all the principles by which their own government is directed, the Canadians are left to grope their way in the dark. Mr. Grant states—"persons who are not in the legislature have little opportunity of judging of the motives which actuate members of the legislature. *The debates are never published.*"—p. 205.

If after all this, there be any who can put their faith in the efficacy of public opinion as a restraining agent on the government, it is right to inform them that, among the other circumstances described by the resolutions as "having alarmed the country, and kept it in a state of great agitation, under the intimate conviction of its dangerous and unprotected state, exposed to the passions of a small but exasperated party, and an exasperated administration breathing vengeance," are enumerated "*the insufficiency of public opinion to restrain a*



*hostile administration, WHICH HAS CORRUPTED AND USURPED ALL THE POWERS OF THE LAW AND THE MAGISTRACY.*”—p. 318.

With securities such as these, that the individuals in Canada “intrusted with the powers necessary for protecting others, make use of them for that purpose solely—and not for the purpose of taking from the members of the community the objects of desire”<sup>\*</sup>—it might be anticipated that the objects of desire would be taken pretty largely from the community, and that the community would receive in return but little benefit from the government. The sequel will show with what exactitude experience does in each case here conform to the deductions of science.

In the attainment of the maximum of self-appropriation, the most obvious means would be, the lavish arrangement of the emoluments of government, and their rigid monopoly. On recapitulating the exercise of these means, we shall distinguish between the two provinces of Lower and Upper Canada. And first with respect to the former.

It is difficult by antecedent reasoning to fix the minimum scale of expense at which a government is capable of being supplied to a given country. A considerable disproportion however of an existing scale, to the revenue of the country, and to the returns obtained in other branches of industry, creates a strong presumption that the cost of government is in excess; but when, in addition to this, a corresponding disproportion exists between that scale and the scale of another country in circumstances nearly approximating to parallel, the presumption falls little short of certainty. Now we should conceive the application of half the entire revenue of a country to the payment of its civil officers, to be a disproportion which can scarcely fail to strike every one as monstrous. But this is literally the amount which in Lower Canada one of the petitions alleges to have been applied “for several years past in payment of salaries, emoluments, and expenses of the officers of the civil government, exclusively of the usual and indispensable appropriations.” The petitioners even complain that their “anxiety is the greater as these salaries and emoluments and expenses have been greatly increased without the consent of the legislature, and have in some instances been paid to *persons who do not reside in the province, or have rendered no service therefore*” [p. 327]. They further allege their excess in relation to the usual recompence for labour to be obtained in the province, “by

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<sup>\*</sup> Essay on Government, p. 277.



individuals of talent, character, and industry ;” and Mr. Neilson states in corroboration of their last assertion, “ the men holding salaries under the civil government are higher paid than the wealthiest proprietors of land, or the persons engaged in the best pursuits of industry ; they are becoming, in fact, by that means the *lords of the country*.”—p. 81.

With respect to the contrast exhibited towards foreign countries, one of the witnesses, in alluding to the impossibility of shutting the eyes of the people to the exorbitant emoluments of the government, observes, “ people in those countries begin to look round them, and see what is going on in other parts of the world, and particularly in the adjoining country ; they see there governments are well administered ; and naturally, as they pay for the administration of the government, they expect that it will be as well administered, and as cheaply administered, as in the adjoining countries. In the state of New York, for instance, they have three times our population, and four or five times our resources, and they pay not more than we do for the support of the civil government” [p. 80]. Three times the population, and four or five times the resources, and still the expenses *equal* ! The proof of excess is complete.

Of the degree in which the people have been allowed to participate in the good things their own pockets have furnished, a pretty correct estimate will probably have been drawn from the various indications already thrown out in the progress of this sketch. There is yet, however, one little example so corroborative of the all but complete monopoly with which the individuals sent over for the government of the country appropriate every thing to themselves, that we presume the citation of it will save the necessity of any further proof on that head.—With a view of grouping together its members for the edification of the committee, Mr. Neilson hands in a list of the executive council, in which there figure two judges, one attorney-general, one bishop, and various other dignitaries, amounting in number to eleven. He describes seven of these as legislative counsellors, three as clerks of the legislative council, and winds up all with this remarkable piece of information : “ Of the whole number, there is *one* that is a native of Lower Canada.”—p. 112.

In Upper Canada, as far as the evidence has yet transpired—and in this, Lower Canada has its full share also,—the main development of the spirit of rapacity has been with that great section of the government, the English episcopal church. Of the entire population of Lower Canada, it is represented, that five sixths are Catholics, and but the remaining one sixth Protestants. Of this small fraction it appears, that the church



of England possesses but one fifth, that is *one thirtieth of the whole*: the church of Scotland another fifth, and the remaining three fifths are distributed among various other sects. In Upper Canada, the calculation has not been carried to such a nicety, but the witnesses, without a single deviation, agree in representing the episcopal church as in a wretched minority. Mr. Merritt being asked "What is the prevailing religious belief in the Upper Province?" replies, "They are divided among a number; I think the methodists are the prevailing opinion" [p. 258]. Mr. Ryerson estimates the proportion of members of the church of England to the whole population at *one tenth* [p. 219]: and among a string of resolutions passed by the House of Assembly of Upper Canada on the 22nd day of December, 1826, was one, "that the number of the Protestant episcopal church in this province, bears *a very small proportion* to the number of other christians, notwithstanding the pecuniary aid long and exclusively received from the benevolent society in England by the members of that church, and their pretensions to a monopoly of the clergy reserves" [p. 218]. This resolution was proposed by a Mr. Rolfe, a member of the church of England, educated at Cambridge; and a member (as it is believed) of Lincoln's Inn, and the resolution was carried by a majority of twenty-seven to three. It is true, that archdeacon Strachan (a most uninterested witness!) did lately put forth a chart representing his own church as much more extended in its followers. Of that chart, however, it will be sufficient to say that, in addition to sundry flat contradictions in particular instances, which some of the witnesses were enabled to give to it from a laborious collection of positive data,\* so enormous were its general misrepresentations, that the very appearance of this beautiful production was described by one of the witnesses to have excited a greater sensation throughout the country than was ever known to have been produced before by any thing excepting the Alien Bill. The witness is asked, "Does it threaten to produce still greater excitement?" He answers, "Religion has never been considered a party question before, but it is now likely to assume that form; and the ecclesiastical chart, and the charter of the college, have tended to unite all the different denominations of christians together in a party opposed to the church of England, and to those who uphold its exclusive claims. They have not opposed the church before, but they feel themselves called upon to do it in defence of their civil rights and religious liberties now."—p. 218.

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\* See Minutes of Evidence, pp. 216, 269, 285, 288.



Such then being the relative positions of the various religious bodies throughout the colony, let us next inquire what are the objects of desire capable of appropriation by individuals occupying the offices of religious teachers. They admit of the two classifications, direct, and indirect; the provisions specifically dedicated to the support of religion, compose the direct; the indirect mainly consist in the patronage and aggrandizement consequential upon a direction of the public establishments of education.

The specific provisions are the revenues arising from those immense blocks of land—the grand interceptors of cultivation, well known by the name of clergy reserves,\* and an annual fund supplied by a grant of the British parliament. A suspicion has indeed got abroad, that at the distribution of the spoil of the jesuits' estates the church was not absent from her post; and it would be laughable enough were it to turn out that she had been in truth defiling herself with the unclean thing. Certain it is, this ample fund has found its way into some hand or other which, though very firm in its grasp, is as yet

‘ ————— invisible or *dimly* seen,’

though well aware, as we are, that when aught so rude as gold approaches its touch, the hand of the church is ever drawn in, as instinctively as the horns of a snail, we do not care to give credence to so vulgar a suspicion.

The reserves amount to one seventh of the entire country; but hitherto their produce has, from the deplorable state of their cultivation, been so insignificant as to be barely more than nominal. That they are anticipated by the clergy as likely to become a valuable endowment, is manifest from the extreme reluctance they have displayed at parting with them. The monstrous impediments interposed by these reserves to the cultivation of the country, became at length so glaring that a statute was very lately passed (7th and 8th Geo. 4) authorizing a sale of one fourth of their whole quantity, provided that in no one year more than one hundred thousand acres were sold. The provisions of this act have been defeated by the objections of the church to the valuation set upon their property. Mr. Stephen is asked, whether the insufficiency the church alleged

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\* Their operation is thus alluded to by Mr. Stephen:—"I see no distinct prospect that this wilderness, so long as it is held in mortmain by a clergy totally destitute of funds, or leisure or skill for its improvement, will ever yield any revenue adequate for their support. In the mean time it remains the subject of discontent, and the source of innumerable inconveniences." —p. 237.



appeared to him on a comparison with the market price of land to exist in reality? He replies, "On the contrary, my opinion, after a frequent and most laborious study of the subject, was, that the valuation was *too high*. In confirmation of that opinion I refer to the fact, that persons conversant with the subject, and deeply interested in the welfare of the clergy of Canada, afterwards advised the Crown to grant to the Canada Company a block of land on Lake Huron, *not at 3s. 6d.* an acre, the price at which the clergy reserves had been valued, but *at 2s. 9d.* an acre, *and of this 2s. 9d. a large part was to be returned* to the company on their effecting certain improvements on the territory" [p. 237].\* Mr. Stephen is corroborated by Mr. Ellice, who, in grounding his apprehension of the impossibility of carrying the provisions of the bill into effect upon the insurmountable greediness of the church, states, "One half the clergy reserves in Upper Canada were sold to the Canada Company at a price *greatly exceeding, if not nearly double*, their value in money; and still the church, dissatisfied with the sale, prevailed upon the Colonial Department to put a stop to the arrangement. I am certain it is in vain to expect another such opportunity of disposing of them, or at least the mass of them, on terms satisfactory to the clergy, while land is granted almost for nothing to actual settlers in the country. In my former answer I said, I would give away the lands if I could not sell them" [p. 56]. It is to be presumed that to the market price the clergy have added the value of consecration.

The British grant amounts to about 16,000*l.* annually, and its distribution is intrusted to the Society for the Propagation of the Gospel in Foreign Parts. Of both these provisions the episcopal church—a church not exceeding in one province a thirtieth, and in the other a tenth, of the population—even outstepping the modesty of its ancient habit of tithing—has ingeniously contrived to appropriate to itself—THE WHOLE.† Her title, indeed, to that part of it which she draws from England, was her inability to induce the Canadians to think her services worth

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\* For those of our readers who do not happen to know the fact, we would first state that this gentleman holds an official situation in the Colonial Office at home, and has evidently most abundantly availed himself of the extensive information on the state of Canada generally which his situation commanded.

† We alluded to an idea which has got abroad, of the church's participation in the Jesuits' fund. The witness from whose testimony we derived the knowledge, states, that while a proportion amounting to 6000*l.* was reported to have been allotted to the episcopal church, the Scotch church was at the same time understood to have received 300*l.*!—p. 281.



*their* purchase;\* and as little shall we be inclined to dispute that title in time past, as, with her perseverance in her present course, to deny its validity for all time to come. Her title to the other is, in reality, nothing more than the mere flimsy holding of a common intruder. The justification of the church is the construction of a musty act of parliament (and she is fond of these expoundings) which declared that these reserves should be appropriated as a provision for a "Protestant Clergy." That a common provision for a "Protestant clergy" could, amidst all the various denominations of Protestants with which the country swarms, be confined in interpretation to one only sect, and that one of the most insignificant of the whole, might suit the exclusive rules of exposition of an excluding and rapacious hierarchy; but we hesitate not to declare it an outrage on reason. That it is in opposition to every principle of legal construction, is demonstrated by the fact that *the law officers of the Crown have given their opinion against it*. They have indeed said, that the church of Scotland, as possessing another, and the only other, established clergy recognized by the law, has a right to be admitted into a participation in the fund; nor is it the least instructive part of this disgusting squabble to watch, how the church of Scotland, with one eye of longing fixed upon the good things, now fast in the undivided grasp of her sister of England, and with the other turning a jealous squint upon all her companions in exclusion, is urging, at the appropriate distance it is true, and with the more cautiously concealed, yet not the less intensely existing selfishness, of her more established and more powerful rival, her own pretensions to an admission into that common partnership of exclusion. We trust, however, that the legislature will pause before they recognise this construction of the act. The exclusive pretensions of one church have already set the country in a fever. The setting-up of two rival establish-

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\* We allude to purchase, but it seems the Canadians do not like the church even at a gift. "It has been stated(a)[Minutes of Evidence, p. 217], that the tendency of a large part of the population of Upper Canada would be towards the established church, if ministers of the established church and suitable places of worship could be provided; do you believe that to be the fact?—No; they have greater means of providing places of worship and procuring ministers than any other denomination; they receive a grant of 100*l.* towards building a very small church, and their ministers are paid by this country, and have *several sources of emolument and peculiar privileges refused to ministers of other denominations*; but they have not increased in the same proportions as others have done."

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(a) This statement was made by Dr. Strachan and others of the clergy of the church of England.



ments would be to turn that fever into phrenzy. It would be to renew those scenes of popular distraction which Plutarch relates to have been in Egypt the result of the mutual hatred of its rival establishments—that of the Worshippers of the Dog, and the Worshippers of the Fish. Nor is this mere speculation. Mr. Ellice, alluding to the existing mischiefs of one “predominant and exclusively endowed church,” goes on to state, “and you may run the risk of increasing the evil by any attempt to make a separate and distinct provision for the church of Scotland, if you do not at the same time provide for the claims other descriptions of Protestants conceive themselves entitled to, under the act of 1791” [p. 57]. Mr. Ellice is very pointedly confirmed by Mr. Merritt, who states, “The church of Scotland want to get a share of the property, and if they were to get it, and it was only between those two churches, I think the people in general would be more dissatisfied than they are now, because all the other denominations would lay claim to it.”

To the enormous mischiefs produced by this aggravating system of exclusion, a host of witnesses comes forward to press their eager testimony; yet there is one like Abdiel of old,

‘ Among innumerable false, unmoved,  
Unshaken—unseduced—unterrified—’

who, “though single” as the Seraph, dares “to pass forth from among them,” with far opposite testimony, and this individual is the Reverend Anthony Hamilton, Secretary to the Ecclesiastical Board for the purpose of providing colonial clergy, with the slight incumbrance to his duties of a salary of 500*l.* per annum. He is asked, “Do you think the having an exclusive church would tend to promote peace and harmony among the population at large?” He answers, “I should think so.”—p. 189.

No wonder the seraphic secretary was so eager to be allowed to observe, that, “from the first he deprecated the examination,” which was instituting on the question. This witness informed the committee that “measures had been preparing to give information of a very superior kind to the committee, early to be expected—from the bishop of Quebec.” We wonder whether the information of the bishop will turn out, on its arrival, to be of the same “superior kind” as that lately furnished by the archdeacon.\*

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\* It is given in evidence by one of the witnesses, that in the chart of the archdeacon he “omits *several denominations* of Christians altogether” [p. 217]; and that in York the episcopal church is not more numerous than the Methodists alone. Had he confined his omissions to those whose diminutiveness might have been an excuse for their escaping his observation, it would not have been impossible for the doctor to have left out his own church altogether.



But while we are entering our protest against the nauseating claims of rival establishments, we must not lose sight of the far higher policy unfolded in the question and answer put to, and received from, Mr. Ryerson. “Do you think that it would be desirable to allow the ministers of religion in Upper Canada to depend wholly upon voluntary contribution for support?”—“Yes, I think it would be much the best. I think it would be conducive to the interests of religion, and it is not mere theory. We are living by the side of the United States, where the ministers are supported in that way. I was several months in that country attending different places of worship, and I found them *much more respectably attended, and the ministers better supported, and a greater decency prevailing in congregations* both in the episcopal church and others. The episcopal church in the United States is decidedly superior to ours in Canada, and it is supported by voluntary contributions of the people. In addition to this, occasional aid might be granted by the legislature of the province” [p. 219]. What the witness brings forward of the United States of America, he might have adduced with equal truth of all those vast districts in Canada, in which the ministers of religion are dependent on their congregations. Mr. Merritt, though a member of the church of England, alluding to Methodism as the prevailing faith of the upper province, delivers his opinion, that the Methodists “have done more good than any others” [p. 258]. And in the lower province, in which unendowed Catholicism is the prevalent religion, Mr. Ellice goes out of his way to remark, “I do not believe a more liberal, benevolent, or charitable body of Christian ministers exist in any country, or one whose conduct and habits are more exemplary or praiseworthy; and I am persuaded they will be found at all times disposed to lend themselves, consistently with the interests of their religion and church, to every measure for the improvement and advantage of their country” [p. 42]. The church cannot even pretend that she needs the “sword and buckler” of an endowment to enable her to maintain her position against the encroachments of Popery. As yet the Catholics are described by Mr. Neilson, “as the least proselyting people he has ever seen” [p. 281]: though it cannot be denied, that the intolerance of the episcopal church is already sowing the seeds of jealousy, and beginning to engender an hostility to which hitherto the Catholics have been strangers.\* Even the government has as little to fear at their hands as the church. Mr. Neilson is asked, “Do they mix themselves up in the general politics of

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\* See Minutes of Evidence, p. 281.



the province, or in matters disconnected with their own religion?" He answers, "No, they never have interfered with politics to any extent; they generally have kept away even from appearing or voting at an election; they do not think that it is consistent with their interest and religious duties to have any thing to do with politics" [p. 281]. It would seem as if, however little accustomed to the commission of such blunders in Rome, in Canada at least, the beast had set its mark upon the wrong church.

In its indirect, the government church has been scarcely less successful than in its direct, appropriation.

In Lower Canada, with the exception of a small annual provision given to some school societies in Montreal and Quebec, the only public funds applied to the purposes of education (for there are four private Catholic colleges) are derived from an annual grant of the British legislature; and their distribution is under the direction of "The Royal Institution for the advancement of Learning," the exquisite composition of which we described before. In Upper Canada the very recently established University of King's College at York, absorbs the only provision of any amount—indeed, we believe, the only provision whatever—appropriated to public education in that province. The sole apparent exception to the absolute entirety with which the episcopal church has secured to members of its own body the whole management of this University, exists in the person of the governor; but as he may be taken *ex officio* to be a believer in the thirty-nine articles, this, in reality, amounts to no exception at all. To the bishop of the diocese, is the visitorship of the college for all time to appertain—to the governor, the chancellorship—to a clergyman of the churches of England and Ireland in holy orders, the presidency—and to the chancellor, president, such seven of the professors as shall be members of the established United Churches of England and Ireland, "the college council,"—unto which council it appertaineth (subject to the approval of the visitor and the revision of the Crown) to legislate for the college, and every thing belonging to it, from matters of the gravest solemnity, down to those of the minutest detail; and with powers as extensive, as ever fell to the exercise of the most absolute potentate.

The church, however, is bloated with conceit, and may probably set up the pretext, that in the members of its own communion, and in them alone, is concentrated all the competency of the country to direct the education of its sons.—Be it so, but what follows:—the defence set up is the very sentence of their condemnation. Education implies an individual to receive it;



but it so happens, that this very system of exclusiveness has so disgusted the people, that they will not come in to be taught. Of the University of Upper Canada, its establishment is too recent to allow us the confirmation of much experience. Of the establishments in Lower Canada we are unfortunate enough to possess it. The only national schools there, we have seen to be under the guardianship of an episcopal corporation, and it would seem as if in solemn mockery it was styled an "Institution for the Advancement of Learning,"—One witness states, "the progress of education under this system, has hitherto been slow:" another, "those schools have fallen through," and the cause ascribed, is, that the exclusiveness of its character "tended to confirm the suspicion the people had entertained with respect to proselytism; and it was needless to think of getting them to go to the schools after that"\* The church would do better to give heed to these things. The lesson is but newly learnt even in England, and perhaps it is too early to expect the primer to have found its way into Canada; still, it would be well for themselves, could they be taught, when the people cry aloud for education, in real earnest to set to work to provide it for them.—Least of all, should they imitate the example of the unnatural parent they may possibly have heard of, who when asked by his children for food, gave them—a serpent. They cannot afford to play tricks. They may survive "in their own generation" to see another hand arise to break in pieces and give unto the people, that shew-bread which erst it was lawful for the priest only to touch.

Mr. Ryerson is asked—"Do you believe that the Church of England would have a better chance of becoming popular in Canada, if the causes of jealousy were removed which at present exist?"—He answers, "Yes, decidedly so, and her greatest enemies are those who would establish invidious distinctions between her ministers and others. The ecclesiastical chart has done her a fatal injury. If the system commenced be persisted in, it will destroy the influence of the church in Canada" [p. 220]. Such have been hitherto the outward visible signs "of that inward spiritual grace" which we are told is animating the bosom of the church. Surely, when we see these things, can we help suspecting, that the sacred vessel in which they have carried the light of the gospel, has been the lamp of Aladdin, and the purpose for which they have borne it—to conduct themselves to treasure!

It is cuttingly remarked by one of the witnesses, "the ex-

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\* Minutes of Evidence; Mr. Neilson and Mr. Grant, pp. 171, 273.



penses of the government are so high as to leave nothing for the internal improvement of the country ;” and, in detailing in our former article the miserable condition of the jurisprudence of the country, and completing in this what then remained to be exposed of the utter worthlessness of its provisions for education, we have demonstrated the truth of the assertion in the two most important articles, to which the care of a government can be directed. There is yet one more however to which from its importance it is necessary we should allude, and that is the facilitation of its means of communication, by clearing away roads and cutting canals. With whichever of these the Canadian executive has intermeddled, even should no worse motives be imputed to them, it will be seen that the characteristics of their undertakings have been egregious folly and wanton waste. To say the least of them they are in that unfortunate condition “that when they would do good, evil is present with them.”

In the mode of distributing the lots granted to settlers, there is considerable difference in the seigneuries and the townships. In the former the lots adjoin each other in regular succession, generally running back about a mile, with a frontage to each of three acres—and the uniform and level character of that portion of the country affords great facilities for their convenient arrangement. The townships, on the contrary, are diversified with lakes and mountains and falls ; and in addition to a less convenient form given to the lots, they are generally intersected by the crown and clergy reserves. Of the roads to be cut throughout these, the whole management is intrusted to an officer appointed by the governor, entitled the Grand Voyer ; and under his direction each individual is bound to contribute a proportionate quantity of labour towards the formation and repair of such roads as may be required to pass the frontage of his lot. When cut, however, they do not appear in the most finished style of Macadamization. One of the witnesses is asked “does the making a road in Canada mean more than cutting an open way through the wood, and removing the timber and obstructions?” He replies, “Yes, it is necessary to do more than that ; the first opening, however, is merely that. The first is sufficient for a sledge to pass in winter ; the next is sufficient for a horse to pass in summer ; the next is sufficient for a cart to pass in summer ; and the next is sufficient for the common conveyance to market of a market-cart, and then they think they have got a great way in improving the roads.”—p. 93.

“The system,” says Mr. Neilon, alluding to that under the



management of the grand voyer, "is a very good one; but in respect to that office, as in respect to many others, they have *burthened it with fees*, which disgust the people. You cannot get the grand voyer to operate without paying heavy fees, which the person that asks for the alteration must pay in the first instance. Perhaps, if it is right, after the thing being argued in a court of justice, he may be reimbursed by the others, but in the mean time he must pay those fees to the grand voyer; *that prevents their commencing improvements* in roads or any thing of that kind; but the system of every man being bound to do the work upon his own land, as it exists in that country is a very good one" [p. 88]. But, be the system as perfect as it may, it is manifest that in the townships, disjointed as are the lots from the nature of their position, and eternally broken in upon by both crown and clergy reserves, it is impossible that any complete lines of communication can be expected at the hands of individual proprietors alone. To the roads in the townships the government has accordingly affected to extend its assistance; and it appears that since the year 1815, no less a sum than *one hundred thousand pounds* has been appropriated to that object in Lower Canada alone. Mr. Neilson is asked "Has any one good road been made with that money?—He replies, "Very little, I believe" [p. 95]. And Mr. Gale gives his evidence to the same effect.\* The cause of this miscarriage is sufficiently developed in Mr. Neilson's reply to the interrogatories of the committee as to the mode of applying the money. "The governor appoints commissioners, and the commissioners proceed to apply the money; the people complain very much on the subject throughout the country; they say that the commissioners have endeavoured to make roads for their own advantage, and that they have made roads where they could be of no use, and the consequence is, that the people derive no benefit from them."

"What interest could the commissioners have in the matter?" Asks the committee. The witness answers, "they have large tracts of land, and every one likes to have a road through his own land" [p. 93]. Those who have attended to certain proceedings touching ancient footpaths, of occasional occurrence in this country, will fully comprehend the answer of the witness.

But even when once cut, it frequently happens that the roads grow up again; and one of the witnesses mentions three roads which, after having a great deal of money spent on them, became at length completely obliterated. Being ques-

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\* Minutes of Evidence, p. 17.



tioned "To what circumstances do you attribute that the roads you describe as having been constructed grew up again?" He answers, "The roads were made out of all reason; it was attempted *to make roads through an immense wildernesses, where there was nobody settled*; through the crown and clergy reserves, where there was nobody to look after it. Attempting such a road as that was a waste of money. No road can be kept in repair unless there are inhabitants along the road, and there is travelling by the road" [p. 94]. It will be seen by a subsequent answer of the same witness, that a "grown-up" road in Canada would try the skill of even the most bang-up whip of the four-in-hand club. "Persons in this country," says he, "can have very little idea of a road through a forest in America; if a road were made as good as any Macadamized road here, it would not be safe to travel one week, for the first gust of wind that comes in the spring of the year, or the first thunder storm in summer, would throw trees down across it, and therefore it cannot be travelled unless you have people living there to clear it; now the whole extent of that country is still a natural forest between those settlements and the old settlements on the river Saint Lawrence; there have been roads made, but those roads for want of settlers, get filled up, even though they are passable for carts; after the work is done they get filled up by the falling of trees, and there is nobody to look after the roads."—p. 123.

In their attempts at canal-making, the following little morceau which we extract from the evidence of Mr. Neilson will show that the Canadian executive have not been less successful than in their road-making efforts.

'You stated that the management of public monies for the purposes of internal improvement was better in the United States than in Canada, can you mention any instances which authorize you in making that statement?—I conceive that the same amount of money goes further there than with us, and this I ascribe to better management and greater responsibility: I will state an instance, the La Chine canal cost about half a million of dollars; it was nine miles in extent. The New York canal cost about eight million of dollars, that is sixteen times as much, and it is three hundred and twenty miles in extent, and upon the whole, it was liable to as great expenses, if not greater, than the La Chine canal, on account of the number of locks, and the great elevation of the country to carry the canal over, so there is a remarkable difference against us in the result of the expenditure.

'To what do you attribute that difference?—I attribute it to not sufficient accountability in our expenditure.

'Was it a government work?—Yes, it is not well looked after; when



any gentleman gets work done without looking after it, it will not be done half so well, nor nearly at so moderate a rate. Our canal gives hardly any revenue; their canal gives a very great revenue; there is another proof of the management: I should say, generally, they manage their affairs better than we do.

‘Is the La Chine canal not used?—It is used, but it gives very little revenue. I do not suppose that it gives more than between 2000*l.* and 3000*l.* a year.’—pp. 118—19.

These details, however, are endless, and we conclude the history of what the government has “left undone” for the internal improvement of the country with the comprehensive epitome of Mr. Neilson:—

‘In Canada we have been plagued with an old French system of government; that is to say, a government in which the people have no concern whatsoever; every thing must proceed from the city of Quebec and the city of Montreal, and persons must come to the city of Quebec and the city of Montreal to do every thing, instead of being able to do for themselves in their own localities. In the United States they have the English system, by which every locality has certain powers of regulating its own concerns, by which means they regulate them cheaper and better; whereas with us a man must make a journey to Quebec, he must go to a great expense, he must bow to this man, and bow to that man, and rap at this door, and rap at that, and spend days and weeks to effect a little improvement of a road, or something of that kind of common convenience to a district, whereas all that is done in the United States without going out of his own small district.’—p. 88.

Most assuredly to the Canadian executive—

“To scatter plenty o’er a smiling land,  
And read their history in a nation’s eyes  
Their lot forbad”—

Whether that “lot” have more circumscribed “their glowing virtues,” or less “their crimes confined,” the perusal of this report has left us in considerable doubt. How striking a contrast does Canada under their administration exhibit to those ancient neighbour colonies of hers, which in the immortal language of Mr. Burke, were “not squeezed into their happy form by the constraints of watchful and suspicious government,” but in which, “through a wise and salutary neglect, a generous nature had been suffered to take her own way to perfection.”\* There we see almost a whole continent, outstripping the accustomed wheels of time, burst almost from infancy to manhood; and from the man again, as it were, expand into the giant. Here we

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\* Speech on Conciliation with America.



behold what was once the infant, the infant still, instead of growing up and gathering strength, rather sinking into the decrepitude of a second childhood. The people remain untaught—their laws do not improve—ecclesiastical insolence wears its most unblushing front—the people are treated as ciphers—capital scarcely accumulates—indeed in the Lower province it seems to be rather crumbling away than increasing. “The trading classes have been rather losing than gaining money of late years,” says one of the witnesses. “There can be no doubt,” says another, “that among other bars to the improvement of the country, the present state of the law, as affecting landed property, operates to a considerable extent, as I have already stated; but I should say, beyond that, *a feeling of restlessness, uncertainty, and insecurity, arising from the evident consequence of a system of mal-administration of the government for the last twenty years*; the disputes that have prevailed, and must continue and increase between the two provinces in their divided state, with respect to the power of regulating the trade, and levying duties on the St. Lawrence; and to the division of revenue, and the perpetual state of excitement and irritation in which the public mind is kept, have lately tended materially to check confidence and enterprise, and the application of capital to the improvement of property.”—p. 50.

It will be observed, that the witness alludes to other grievances than those to which we have more directly pointed our attention; and most unquestionably it is not from their want of moment that we have not more enlarged upon them. Our object, however, has hitherto been, to open the eyes of the public to the real state of the government to which all the interests of this remote colony are intrusted, in the full conviction that its whole principle must be revolutionized before any other fruit than misrule will be gathered from it.—Indeed, on all subjects of local detail, we are very much of the opinion of Mr. Stephen. “They (the colonists) are incomparably more competent to provide for the exigencies of the case than parliament can be. If an act were passed for the single purpose of erecting a legislative body properly constituted, and fairly representing the inhabitants, I would expunge from the Statute-book every single enactment respecting the internal concerns of the province, and leave them to make laws for themselves.”—p. 238.

The regulation of the trade of the country—the union of the provinces—the distribution of the common revenue—and the levies on the St. Lawrence—are, however, it must be confessed, all questions of deep interest to the welfare of the colony, and



we may hereafter more pointedly recur to them. The labours of the Committee have brought together much valuable information on the subject ; and on these, and all the other topics to which they have addressed themselves, we must confess we have seldom seen the duties of a parliamentary investigation discharged with greater ability, greater zeal, or greater honesty. Nor is this all. A clearer, a more intelligent, testimony than that delivered by the individuals intrusted by their countrymen to tell the tale of their grievances, has seldom been given by any class of persons ; and we scarcely know where the lover of philosophy, and the friend of his species, could turn with greater advantage to found his principles of government on the solid basis of experience, than to the Minutes of Evidence on the Canadian Report.

Notwithstanding the anxiety which we have seen displayed by a reverend divine, to prevent the examination which has been instituted, we think that that good shepherd (or rather the provider of good shepherds) did for once mistake the interests of the great Canadian flock, in deprecating that examination. The British parliament have had some experience in slighting the petitions from their colonies ; and petitions signed by eighty-seven thousand aggrieved individuals—backed by the sympathy of the whole colony—and the evidence given in the examination can hardly now be treated with contempt. As far as ecclesiastical grievances are concerned, it is said, indeed, that the church relies on the bench of bishops for its protection. If the church consult its own interest—and it is not always backward in this—the bench of bishops will disappoint their ecclesiastical brethren of Canada. It is surely enough, that there should be “Clergy Reserves” in the colony, to oppose its physical improvement. Let the church beware how they plant “Clergy Reserves” in the House of Lords here, as stumbling-blocks in the way of the moral advancement of a whole people.

An exasperated suitor is not the most easy to deal with ; and, unless we wish to lose the possession of the colony altogether, we must attend to the sensible advice of Mr. Stephen :—

‘ It is impossible to suppose the Canadians dread your power. It is not easy to believe that the abstract duty of loyalty, as distinguished from the sentiment of loyalty, can be very strongly felt. The right of rejecting European dominion has been so often asserted in North and South America, that revolt can scarcely be esteemed in those continents as criminal or disgraceful. Neither does it seem to me that the sense of national pride and importance is in your favour. It cannot be regarded as an enviable distinction to remain the only dependent portion of the New World. Your dominion rests upon the



habit of subjection ; upon the ancient affection felt by the colonists for their mother country ; upon their confidence in your justice, and upon their persuasion that they have a direct interest in maintaining the connection. I fear that all these bonds of union, and especially the sense of interest, will be greatly weakened, if you persist in excluding them from all control of the navigation of the St. Lawrence. But even if all these ties remain, they are not the surest supports of empire.'—p. 245.

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